



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 12 2004

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED
Cert. Mail No.7001 2510 0003 3060 6747

In Reply Refer to:
EPA OCR File No. 7H-02-R4

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: REJECTION OF ADMINISTRATIVE COMPLAINT

Dear [REDACTED] and [REDACTED]:

This is in response to your June 7, 2002, administrative complaint filed with the U.S. Department of Health and Human Services (HHS) against Lowndes County, Mississippi. HHS referred your complaint to the U.S. Environmental Protection Agency's (EPA) Region 4 office in Atlanta, Georgia, which forwarded it to EPA's Office of Civil Rights (OCR). OCR is responsible for administering EPA's civil rights compliance programs, which includes the investigation of administrative complaints against programs or activities that receive financial assistance from EPA.

Your complaint states that you have a disability under Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794) in the form of life-threatening "hypersensitivities to organophosphate & carbamate pesticides." You allege that Lowndes County is distributing organophosphate pesticides to the public and that such pesticides could be carried onto your property by stormwater runoff from two county roads or drains which would cause you "serious risk and severely restricting the use of [y]our property." Your complaint also states that various county officials, including the Board of Supervisors, have refused to re-route the drainage. Other documents received with your complaint allege that the pesticides are distributed by the Lowndes County Road Department.

Section 504 and EPA's implementing regulations (40 C.F.R. Part 7, enclosed for your convenience) prohibit discrimination on the basis of handicap under programs or activities that receive Federal financial assistance. Individuals who believe that they have been discriminated against in violation of EPA's nondiscrimination regulations, may file a complaint with EPA. To be accepted for investigation, a complaint must meet the requirements described in EPA's regulations. First, the complaint must be in writing. Second, it must describe an alleged discriminatory act that violates EPA's regulations (*i.e.*, an alleged discriminatory act based on

race, color, national origin, handicap, or sex). Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. section 7.120. Finally, the complaint must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. section 7.15.

After careful consideration, OCR has concluded that it cannot accept your complaint for investigation because it does not meet the complaint requirements in EPA's nondiscrimination regulations. Specifically, EPA records indicate that neither Lowndes County nor the Lowndes County Road Department received any financial assistance from EPA. EPA, therefore, does not have any authority to investigate either Lowndes County, or the Lowndes County Roads Department for any alleged civil rights violation.

If you have any questions, you may contact Karen Randolph in OCR by telephone at (202) 343-9679, or by mail at U.S. EPA, Office of Civil Rights, Mail Code 1201A, 1200 Pennsylvania Ave., NW, Washington D.C., 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: Nancy Tommelleo, Title VI Coordinator
EPA Region 4

Stephen G. Pressman, Associate General Counsel
Civil Rights Law Office (MC 2399A)

Barry E. Hill, Director
Office of Environmental Justice (MC 2201A)

Nick Parston, Administrator
Lowndes County Board of Supervisors
P.O. Box 1364
Columbus, MS 39703

Office for Civil Rights
DHHS, Region IV
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